

HOUSE BILL 1374

N1

(2lr0146)

ENROLLED BILL

— Environmental Matters/Judicial Proceedings —

Introduced by **Chair, Environmental Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Real Property – Foreclosures and Mediation**

3 FOR the purpose of establishing a certain prefile mediation process between a secured
4 party and a mortgagor or grantor before the commencement of a certain
5 foreclosure action under certain circumstances; providing that a certain
6 mortgagor or grantor is not entitled to participate in a certain postfile mediation
7 except under certain circumstances; establishing certain procedures and notices
8 for participation in a certain prefile mediation; altering certain procedures
9 relating to foreclosure and postfile mediation; providing that ~~certain vacant~~
10 ~~properties are not subject to~~ certain provisions of law applicable to foreclosures
11 and certain mediation processes *do not apply to certain foreclosure actions on*
12 *certain property* if a certain certificate is issued under certain circumstances;
13 ~~authorizing~~ *requiring* a county or municipal corporation to issue to a secured
14 party a certificate of vacancy or certificate of ~~substantial repair~~ *property unfit*

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 for human habitation for certain residential properties under certain
 2 circumstances; authorizing a record owner or occupant of residential property to
 3 challenge a certain ~~determination of vacancy~~ certificate under certain
 4 circumstances; authorizing a county or municipal corporation to charge a certain
 5 fee to issue a certain certificate; requiring and authorizing the Commissioner of
 6 Financial Regulation to adopt certain regulations; defining certain terms;
 7 making conforming changes; allowing a subtraction modification under the
 8 Maryland income tax for income resulting from a foreclosure settlement
 9 negotiated by the Attorney General; providing for the validity, under certain
 10 circumstances, of a certain order to docket or complaint to foreclose served on a
 11 mortgagor or grantor before the effective date of certain regulations; requiring
 12 the Commissioner of Financial Regulation to develop a certain description of a
 13 certain procedure and a certain form to be served under a certain provision of
 14 law; providing for the application of certain provisions of this Act; and generally
 15 relating to mortgage foreclosures and mediation.

16 BY repealing and reenacting, with amendments,
 17 Article – Real Property
 18 Section 7–105.1
 19 Annotated Code of Maryland
 20 (2010 Replacement Volume and 2011 Supplement)

21 BY adding to
 22 Article – Real Property
 23 Section 7–105.11
 24 Annotated Code of Maryland
 25 (2010 Replacement Volume and 2011 Supplement)

26 BY repealing and reenacting, without amendments,
 27 Article – Tax – General
 28 Section 10–208(a)
 29 Annotated Code of Maryland
 30 (2010 Replacement Volume and 2011 Supplement)

31 BY adding to
 32 Article – Tax – General
 33 Section 10–208(r)
 34 Annotated Code of Maryland
 35 (2010 Replacement Volume and 2011 Supplement)

36 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 37 MARYLAND, That the Laws of Maryland read as follows:

38 **Article – Real Property**

39 7–105.1.

1 (a) (1) In this section the following words have the meanings indicated.

2 (2) “Final loss mitigation affidavit” means an affidavit that:

3 (i) Is made by a person authorized to act on behalf of a secured
4 party of a mortgage or deed of trust on owner–occupied residential property that is the
5 subject of a foreclosure action;

6 (ii) Certifies the completion of the final determination of loss
7 mitigation analysis in connection with the mortgage or deed of trust; and

8 (iii) If denied, provides an explanation for the denial of a loan
9 modification or other loss mitigation.

10 (3) “Foreclosure mediation” means a conference at which the parties in
11 a foreclosure action, their attorneys, additional representatives of the parties, or a
12 combination of those persons appear before an impartial individual to discuss the
13 positions of the parties in an attempt to reach agreement on a loss mitigation program
14 for the mortgagor or grantor.

15 (4) “Housing counseling services” means assistance provided to
16 mortgagors or grantors by nonprofit and governmental entities that are identified on a
17 list maintained by the Department of Housing and Community Development.

18 (5) “Loss mitigation analysis” means an evaluation of the facts and
19 circumstances of a loan secured by owner–occupied residential property to determine:

20 (i) Whether a mortgagor or grantor qualifies for a loan
21 modification; and

22 (ii) If there will be no loan modification, whether any other loss
23 mitigation program may be made available to the mortgagor or grantor.

24 (6) “Loss mitigation program” means an option in connection with a
25 loan secured by owner–occupied residential property that:

26 (i) Avoids foreclosure through loan modification or other
27 changes to existing loan terms that are intended to allow the mortgagor or grantor to
28 stay in the property;

29 (ii) Avoids foreclosure through a short sale, deed in lieu of
30 foreclosure, or other alternative that is intended to simplify the mortgagor’s or
31 grantor’s relinquishment of ownership of the property; or

32 (iii) Lessens the harmful impact of foreclosure on the mortgagor
33 or grantor.

1 (7) “Owner–occupied residential property” means residential property
2 in which at least one unit is occupied by an individual who:

3 (i) Has an ownership interest in the property; and

4 (ii) Uses the property as the individual’s primary residence.

5 **(8) “POSTFILE MEDIATION” MEANS FORECLOSURE MEDIATION**
6 **THAT OCCURS IN ACCORDANCE WITH SUBSECTION (J) OF THIS SECTION AFTER**
7 **THE DATE ON WHICH THE ORDER TO DOCKET OR COMPLAINT TO FORECLOSE IS**
8 **FILED.**

9 **(9) “PREFILE MEDIATION” MEANS FORECLOSURE MEDIATION**
10 **THAT OCCURS IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION BEFORE**
11 **THE DATE ON WHICH THE ORDER TO DOCKET OR COMPLAINT TO FORECLOSE IS**
12 **FILED.**

13 **[(8)] (10)** “Preliminary loss mitigation affidavit” means an affidavit
14 that:

15 (i) Is made by a person authorized to act on behalf of a secured
16 party of a mortgage or deed of trust on owner–occupied residential property that is the
17 subject of a foreclosure action;

18 (ii) Certifies the status of an incomplete loss mitigation analysis
19 in connection with the mortgage or deed of trust; and

20 (iii) Includes reasons why the loss mitigation analysis is
21 incomplete.

22 **[(9)] (11)** “Residential property” means real property improved by four
23 or fewer single family dwelling units that are designed principally and are intended
24 for human habitation.

25 (b) (1) Except as provided in paragraph (2) of this subsection, an action to
26 foreclose a mortgage or deed of trust on residential property may not be filed until the
27 later of:

28 (i) 90 days after a default in a condition on which the mortgage
29 or deed of trust provides that a sale may be made; or

30 (ii) 45 days after the notice of intent to foreclose required under
31 subsection (c) of this section is sent.

32 (2) (i) The secured party may petition the circuit court for leave to
33 immediately commence an action to foreclose the mortgage or deed of trust if:

1 1. The loan secured by the mortgage or deed of trust was
2 obtained by fraud or deception;

3 2. No payments have ever been made on the loan
4 secured by the mortgage or deed of trust;

5 3. The property subject to the mortgage or deed of trust
6 has been destroyed; or

7 4. The default occurred after the stay has been lifted in a
8 bankruptcy proceeding.

9 (ii) The court may rule on the petition with or without a
10 hearing.

11 (iii) If the petition is granted, the action may be filed at any time
12 after a default in a condition on which the mortgage or deed of trust provides that a
13 sale may be made and the secured party need not send the written notice of intent to
14 foreclose required under subsection (c) of this section.

15 (c) (1) Except as provided in subsection (b)(2)(iii) of this section, at least
16 45 days before the filing of an action to foreclose a mortgage or deed of trust on
17 residential property, the secured party shall send a written notice of intent to foreclose
18 to the mortgagor or grantor and the record owner.

19 (2) The notice of intent to foreclose shall be sent:

20 (i) By certified mail, postage prepaid, return receipt requested,
21 bearing a postmark from the United States Postal Service; and

22 (ii) By first-class mail.

23 (3) A copy of the notice of intent to foreclose shall be sent to the
24 Commissioner of Financial Regulation.

25 (4) The notice of intent to foreclose shall:

26 (i) Be in the form that the Commissioner of Financial
27 Regulation prescribes by regulation; and

28 (ii) Contain:

29 1. The name and telephone number of:

30 A. The secured party;

1 B. The mortgage servicer, if applicable; and

2 C. An agent of the secured party who is authorized to
3 modify the terms of the mortgage loan;

4 2. The name and license number of the Maryland
5 mortgage lender and mortgage originator, if applicable;

6 3. The amount required to cure the default and reinstate
7 the loan, including all past due payments, penalties, and fees;

8 4. A statement recommending that the mortgagor or
9 grantor seek housing counseling services;

10 5. The telephone number and the Internet address of
11 nonprofit and government resources available to assist mortgagors and grantors facing
12 foreclosure, as identified by the Commissioner of Financial Regulation;

13 6. An explanation of the Maryland foreclosure process
14 and time line, as prescribed by the Commissioner of Financial Regulation; and

15 7. Any other information that the Commissioner of
16 Financial Regulation requires by regulation.

17 (5) For an owner-occupied residential property, the notice of intent to
18 foreclose shall be accompanied by:

19 (i) A loss mitigation application:

20 1. For loss mitigation programs that are applicable to
21 the loan secured by the mortgage or deed of trust that is the subject of the foreclosure
22 action; or

23 2. If the secured party does not have its own loss
24 mitigation application, in the form prescribed by the Commissioner of Financial
25 Regulation;

26 (ii) Instructions for completing the loss mitigation application
27 and a telephone number to call to confirm receipt of the application;

28 (iii) A description of the eligibility requirements for the loss
29 mitigation programs offered by the secured party that may be applicable to the loan
30 secured by the mortgage or deed of trust that is the subject of the foreclosure action;
31 [and]

1 (iv) An envelope addressed to the person responsible for
2 conducting loss mitigation analysis on behalf of the secured party for the loan secured
3 by the mortgage or deed of trust that is the subject of the foreclosure action;

4 (v) IF THE SECURED PARTY OFFERS PREFILE MEDIATION, A
5 NOTICE IN THE FORM THAT THE COMMISSIONER OF FINANCIAL REGULATION
6 PRESCRIBES BY REGULATION THAT STATES THAT:

7 1. THE SECURED PARTY OFFERS PREFILE
8 MEDIATION;

9 2. THE MORTGAGOR OR GRANTOR MAY ELECT TO
10 PARTICIPATE IN PREFILE MEDIATION;

11 3. THE MORTGAGOR OR GRANTOR WILL NOT BE
12 ENTITLED TO POSTFILE MEDIATION IF THE MORTGAGOR OR GRANTOR
13 PARTICIPATES IN PREFILE MEDIATION, EXCEPT AS OTHERWISE PROVIDED IN A
14 PREFILE MEDIATION AGREEMENT;

15 4. THE MORTGAGOR OR GRANTOR IS REQUIRED TO
16 PARTICIPATE IN HOUSING COUNSELING SERVICES AS A PRECONDITION TO
17 PREFILE MEDIATION; AND

18 5. A FEE WILL BE CHARGED FOR THE PREFILE
19 MEDIATION AND THE AMOUNT OF THE FEE; AND

20 (vi) IF THE SECURED PARTY OFFERS PREFILE MEDIATION,
21 AN APPLICATION TO PARTICIPATE IN PREFILE MEDIATION AND INSTRUCTIONS
22 TO COMPLETE AND SUBMIT THE APPLICATION, ALL IN THE FORM THAT THE
23 COMMISSIONER OF FINANCIAL REGULATION PRESCRIBES BY REGULATION.

24 (6) For a property that is not an owner-occupied residential property,
25 the notice of intent to foreclose shall be accompanied by:

26 (i) A written notice of the determination that the property is
27 not owner-occupied residential property; and

28 (ii) A telephone number to call to contest that determination.

29 (d) (1) FOR OWNER-OCCUPIED RESIDENTIAL PROPERTY, A SECURED
30 PARTY MAY OFFER TO PARTICIPATE IN PREFILE MEDIATION WITH A
31 MORTGAGOR OR GRANTOR TO WHOM THE SECURED PARTY HAS DELIVERED A
32 NOTICE OF INTENT TO FORECLOSE.

1 **(2) IF OFFERED BY A SECURED PARTY, A MORTGAGOR OR**
2 **GRANTOR MAY ELECT TO PARTICIPATE IN PREFILE MEDIATION.**

3 **(3) IF A MORTGAGOR OR GRANTOR ELECTS TO PARTICIPATE IN**
4 **PREFILE MEDIATION, THE MORTGAGOR OR GRANTOR SHALL NOTIFY THE**
5 **SECURED PARTY BY SUBMITTING THE APPLICATION DESCRIBED IN SUBSECTION**
6 **(C)(5)(VI) OF THIS SECTION NOT MORE THAN 25 DAYS AFTER THE DATE ON**
7 **WHICH THE NOTICE OF INTENT TO FORECLOSE IS MAILED BY THE SECURED**
8 **PARTY.**

9 **(4) (I) AS A PRECONDITION TO PREFILE MEDIATION, A**
10 **MORTGAGOR OR GRANTOR SHALL PARTICIPATE IN HOUSING COUNSELING**
11 **SERVICES.**

12 **(II) THE DEPARTMENT OF HOUSING AND COMMUNITY**
13 **DEVELOPMENT SHALL PRESCRIBE THE TIMING AND FORM OF CERTIFICATION**
14 **OF PARTICIPATION IN HOUSING COUNSELING SERVICES.**

15 **(5) IF A MORTGAGOR OR GRANTOR SUBMITS AN APPLICATION TO**
16 **PARTICIPATE IN PREFILE MEDIATION TO THE SECURED PARTY IN ACCORDANCE**
17 **WITH PARAGRAPH (3) OF THIS SUBSECTION, THE SECURED PARTY SHALL**
18 **NOTIFY THE OFFICE OF ADMINISTRATIVE HEARINGS NOT MORE THAN 5**
19 **BUSINESS DAYS AFTER THE DATE ON WHICH THE SECURED PARTY RECEIVES**
20 **THE APPLICATION.**

21 **(6) THE OFFICE OF ADMINISTRATIVE HEARINGS SHALL:**

22 **(I) SCHEDULE A PREFILE MEDIATION SESSION NOT MORE**
23 **THAN 60 DAYS AFTER THE DAY ON WHICH IT RECEIVES NOTICE BY A SECURED**
24 **PARTY OF AN ELECTION TO PARTICIPATE IN PREFILE MEDIATION; AND**

25 **(II) NOTIFY THE PARTIES AND THEIR ATTORNEYS, IF ANY,**
26 **OF THE DATE OF THE PREFILE MEDIATION SESSION.**

27 **(7) BY REGULATION, THE COMMISSIONER OF FINANCIAL**
28 **REGULATION SHALL:**

29 **(I) ESTABLISH THE FEE FOR PREFILE MEDIATION; AND**

30 **(II) PRESCRIBE THE FORM AND CONTENT OF THE NOTICE**
31 **ABOUT PREFILE MEDIATION, THE APPLICATION TO PARTICIPATE IN PREFILE**
32 **MEDIATION, AND INSTRUCTIONS TO COMPLETE THE APPLICATION.**

1 **(8) (I) NOTWITHSTANDING SUBSECTION (B)(1) OF THIS**
2 **SECTION, IF THE SECURED PARTY AND GRANTOR OR MORTGAGOR ELECT TO**
3 **PARTICIPATE IN PREFILE MEDIATION, AN ORDER TO DOCKET OR COMPLAINT TO**
4 **FORECLOSE MAY NOT BE FILED UNTIL THE COMPLETION OF PREFILE**
5 **MEDIATION IN ACCORDANCE WITH THIS SECTION.**

6 **(II) THE DATE THAT PREFILE MEDIATION IS COMPLETED IS**
7 **THE DATE THAT THE OFFICE OF ADMINISTRATIVE HEARINGS ISSUES THE**
8 **REPORT DESCRIBING THE RESULTS OF THE PREFILE MEDIATION.**

9 **(9) THE FEE FOR PREFILE MEDIATION COLLECTED UNDER THIS**
10 **SUBSECTION SHALL BE DISTRIBUTED TO THE HOUSING COUNSELING AND**
11 **FORECLOSURE MEDIATION FUND ESTABLISHED UNDER § 4-507 OF THE**
12 **HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.**

13 **(10) BY REGULATION, THE COMMISSIONER OF FINANCIAL**
14 **REGULATION SHALL ESTABLISH A MEDIATION CHECKLIST THAT DESCRIBES**
15 **THE MATTERS THAT SHALL BE REVIEWED AND CONSIDERED IN A PREFILE**
16 **MEDIATION.**

17 **(11) (I) AT THE COMMENCEMENT OF A PREFILE MEDIATION**
18 **SESSION, EACH PARTY SHALL REVIEW THE MEDIATION CHECKLIST.**

19 **(II) THE MEDIATOR SHALL MARK EACH ITEM ON THE**
20 **MEDIATION CHECKLIST AS THE ITEM IS ADDRESSED AT THE PREFILE**
21 **MEDIATION SESSION.**

22 **(III) AT THE CONCLUSION OF A PREFILE MEDIATION**
23 **SESSION, EACH PARTY SHALL SIGN THE MEDIATION CHECKLIST.**

24 **(12) IF THE PREFILE MEDIATION RESULTS IN AN AGREEMENT, THE**
25 **PARTIES SHALL EXECUTE A PREFILE MEDIATION AGREEMENT.**

26 **(13) IN ADDITION TO DESCRIBING THE TERMS OF THE AGREEMENT**
27 **AMONG THE PARTIES, THE PREFILE MEDIATION AGREEMENT SHALL, IN**
28 **14 POINT, BOLD FONT:**

29 **(I) DESIGNATE THE PERSON AND ADDRESS TO WHOM THE**
30 **MORTGAGOR OR GRANTOR MAY PROVIDE NOTICE OF A CHANGE OF FINANCIAL**
31 **CIRCUMSTANCES; AND**

32 **(II) STATE THAT THE MORTGAGOR OR GRANTOR IS NOT**
33 **ENTITLED TO POSTFILE MEDIATION UNLESS OTHERWISE AGREED BY THE**
34 **PARTIES.**

1 **(14) THE OFFICE OF ADMINISTRATIVE HEARINGS SHALL DRAFT**
2 **THE PREFILE MEDIATION AGREEMENT AND PROVIDE A COPY OF THE EXECUTED**
3 **AGREEMENT TO THE PARTIES AND THEIR ATTORNEYS, IF ANY.**

4 **(15) THE OFFICE OF ADMINISTRATIVE HEARINGS SHALL PROVIDE**
5 **A REPORT OF RESULTS OF MEDIATION TO THE PARTIES AND THEIR ATTORNEYS,**
6 **IF ANY.**

7 **(16) IF A MORTGAGOR OR GRANTOR NOTIFIES THE PERSON**
8 **DESIGNATED UNDER PARAGRAPH (13) OF THIS SUBSECTION OF A CHANGE OF**
9 **FINANCIAL CIRCUMSTANCES, THE DESIGNEE SHALL:**

10 **(I) DETERMINE WHETHER THE CHANGE OF FINANCIAL**
11 **CIRCUMSTANCES SHALL ALTER THE MEDIATION AGREEMENT OR OUTCOME OF**
12 **THE PREFILE MEDIATION; AND**

13 **(II) NOTIFY THE MORTGAGOR OR GRANTOR OF THE**
14 **DETERMINATION BY FIRST-CLASS MAIL BEFORE ANY ADDITIONAL ACTION IS**
15 **TAKEN WITH RESPECT TO FORECLOSURE.**

16 **(17) (I) THE PARTIES TO THE PREFILE MEDIATION AGREEMENT**
17 **MAY EXECUTE AN AMENDED PREFILE MEDIATION AGREEMENT BASED ON A**
18 **MATERIAL CHANGE OF FINANCIAL CIRCUMSTANCES OF THE MORTGAGOR OR**
19 **GRANTOR.**

20 **(II) THE SECURED PARTY SHALL PROVIDE A COPY OF THE**
21 **EXECUTED AMENDED AGREEMENT TO THE MORTGAGOR OR GRANTOR.**

22 **(18) TO THE EXTENT THAT A NOTICE OF INTENT TO FORECLOSE**
23 **COMPLIES WITH THIS SECTION AND OTHERWISE IS VALID UNDER THE LAW, A**
24 **NOTICE OF INTENT TO FORECLOSE ISSUED WITH RESPECT TO A PROPERTY THAT**
25 **HAS BEEN THE SUBJECT OF PREFILE MEDIATION CONTINUES TO BE VALID FOR 1**
26 **YEAR AFTER THE DATE ON WHICH THE INITIAL PREFILE MEDIATION**
27 **AGREEMENT IS EXECUTED BY THE PARTIES.**

28 **(19) NOTHING IN THIS SUBSECTION SHALL PROHIBIT A SECURED**
29 **PARTY AND MORTGAGOR OR GRANTOR FROM ENGAGING IN LOSS MITIGATION BY**
30 **OTHER MEANS.**

31 **[(d)] (E) An order to docket or a complaint to foreclose a mortgage or deed of**
32 **trust on residential property shall:**

33 (1) Include:

- 1 (i) If applicable, the license number of:
- 2 1. The mortgage originator; and
- 3 2. The mortgage lender; and
- 4 (ii) An affidavit stating:
- 5 1. The date on which the default occurred and the
6 nature of the default; and
- 7 2. If applicable, that:
- 8 A. A notice of intent to foreclose was sent to the
9 mortgagor or grantor in accordance with subsection (c) of this section and the date on
10 which the notice was sent; and
- 11 B. At the time the notice of intent to foreclose was sent,
12 the contents of the notice of intent to foreclose were accurate; and
- 13 (2) Be accompanied by:
- 14 (i) The original or a certified copy of the mortgage or deed of
15 trust;
- 16 (ii) A statement of the debt remaining due and payable
17 supported by an affidavit of the plaintiff or the secured party or the agent or attorney
18 of the plaintiff or secured party;
- 19 (iii) A copy of the debt instrument accompanied by an affidavit
20 certifying ownership of the debt instrument;
- 21 (iv) If applicable, the original or a certified copy of the
22 assignment of the mortgage for purposes of foreclosure or the deed of appointment of a
23 substitute trustee;
- 24 (v) If any defendant is an individual, an affidavit that is in
25 compliance with § 521 of the Servicemembers Civil Relief Act, 50 U.S.C. App. § 501 et
26 seq.;
- 27 (vi) If applicable, a copy of the notice of intent to foreclose;
- 28 **(VII) IF THE SECURED PARTY AND MORTGAGOR OR GRANTOR**
29 **HAVE ELECTED TO PARTICIPATE IN PREFILE MEDIATION, THE REPORT OF THE**
30 **PREFILE MEDIATION ISSUED BY THE OFFICE OF ADMINISTRATIVE HEARINGS;**

1 **(VIII) IF THE SECURED PARTY AND THE MORTGAGOR OR**
2 **GRANTOR HAVE NOT ELECTED TO PARTICIPATE IN PREFILE MEDIATION, A**
3 **STATEMENT THAT THE PARTIES HAVE NOT ELECTED TO PARTICIPATE IN**
4 **PREFILE MEDIATION;**

5 **[(vii)] (IX)** In addition to any other filing fees required by law, a
6 filing fee in the amount of \$300; and

7 **[(viii)] (X)** 1. If the loss mitigation analysis has been
8 completed subject to subsection **[(e)] (G)** of this section, a final loss mitigation affidavit
9 in the form prescribed by regulation adopted by the Commissioner of Financial
10 Regulation; and

11 2. If the loss mitigation analysis has not been completed,
12 a preliminary loss mitigation affidavit in the form prescribed by regulation adopted by
13 the Commissioner of Financial Regulation.

14 **[(d-1)] (F)** Notwithstanding any other law, the court may not accept a lost
15 note affidavit in lieu of a copy of the debt instrument required under subsection
16 **[(d)(2)(iii)] (E)(2)(III)** of this section, unless the affidavit:

17 (1) Identifies the owner of the debt instrument and states from whom
18 and the date on which the owner acquired ownership;

19 (2) States why a copy of the debt instrument cannot be produced; and

20 (3) Describes the good faith efforts made to produce a copy of the debt
21 instrument.

22 **[(e)] (G)** Only for purposes of a final loss mitigation affidavit that is filed
23 with an order to docket or complaint to foreclose, a loss mitigation analysis is not
24 considered complete if the reason for the denial or determination of ineligibility is due
25 to the inability of the secured party to:

26 (1) Establish communication with the mortgagor or grantor; or

27 (2) Obtain all documentation and information necessary to conduct the
28 loss mitigation analysis.

29 **[(f)] (H)** (1) A copy of the order to docket or complaint to foreclose on
30 residential property and all other papers filed with it in the form and sequence as
31 prescribed by regulations adopted by the Commissioner of Financial Regulation,
32 accompanied by the documents required under paragraphs (2), (3), and (4) of this
33 subsection, shall be served on the mortgagor or grantor by:

1 (i) Personal delivery of the papers to the mortgagor or grantor;
2 or

3 (ii) Leaving the papers with a resident of suitable age and
4 discretion at the mortgagor's or grantor's dwelling house or usual place of abode.

5 (2) The service of documents under paragraph (1) of this subsection
6 shall be accompanied by a separate, clearly marked notice, in the form prescribed by
7 regulation adopted by the Commissioner of Financial Regulation, that states:

8 (i) The significance of the order to docket or a complaint to
9 foreclose; [and]

10 (ii) The options for the mortgagor or grantor to take, including
11 housing counseling SERVICES and financial assistance resources the mortgagor or
12 grantor may consult; AND

13 (III) **IN THE CASE OF A MORTGAGOR OR GRANTOR WHO HAS**
14 **PARTICIPATED IN PREFILE MEDIATION, THAT THE MORTGAGOR OR GRANTOR IS**
15 **NOT ENTITLED TO POSTFILE MEDIATION EXCEPT AS OTHERWISE PROVIDED IN**
16 **THE PREFILE MEDIATION AGREEMENT.**

17 (3) If the order to docket or complaint to foreclose is accompanied by a
18 preliminary loss mitigation affidavit, the service of documents under paragraph (1) of
19 this subsection shall be accompanied by a loss mitigation application form and any
20 other supporting documents as prescribed by regulation adopted by the Commissioner
21 of Financial Regulation.

22 (4) (I) **[If] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF**
23 **THIS PARAGRAPH, IF** the order to docket or complaint to foreclose is accompanied by
24 a final loss mitigation affidavit and concerns owner-occupied residential property, the
25 service of documents under paragraph (1) of this subsection shall be accompanied by a
26 request for [foreclosure] **POSTFILE** mediation form and any other supporting
27 documents as prescribed by regulation adopted by the Commissioner of Financial
28 Regulation.

29 (II) **THE ORDER TO DOCKET OR COMPLAINT TO FORECLOSE**
30 **MAY EXCLUDE THE REQUEST FOR A POSTFILE MEDIATION FORM IF:**

31 **1. THE MORTGAGOR OR GRANTOR HAS**
32 **PARTICIPATED IN PREFILE MEDIATION AND THE PREFILE MEDIATION**
33 **AGREEMENT DOES NOT GIVE THE MORTGAGOR OR GRANTOR THE RIGHT TO**
34 **PARTICIPATE IN POSTFILE MEDIATION; OR**

1 1. **HAS NOT PARTICIPATED IN PREFILE MEDIATION;**
2 **OR**

3 2. **HAS PARTICIPATED IN PREFILE MEDIATION THAT**
4 **RESULTED IN A PREFILE MEDIATION AGREEMENT THAT GIVES THE MORTGAGOR**
5 **OR GRANTOR THE RIGHT TO PARTICIPATE IN POSTFILE MEDIATION.**

6 **(II)** In a foreclosure action on owner-occupied residential
7 property, the mortgagor or grantor may file with the court a completed request for
8 **[foreclosure] POST-FILE** mediation not later than:

9 1. If the final loss mitigation affidavit was delivered
10 along with service of the copy of the order to docket or complaint to foreclose under
11 subsection **[(f)] (H)** of this section, 25 days after that service on the mortgagor or
12 grantor; or

13 2. If the final loss mitigation affidavit was mailed as
14 provided in subsection **[(g)] (I)** of this section, 25 days after the mailing of the final
15 loss mitigation affidavit.

16 **[(ii)] (III)** 1. A request for **[foreclosure] POSTFILE**
17 mediation shall be accompanied by a filing fee of \$50.

18 2. The court may reduce or waive the filing fee under
19 subsubparagraph 1 of this subparagraph if the mortgagor or grantor is eligible for a
20 reduction or waiver under the Maryland Legal Services guidelines.

21 **[(iii)] (IV)** The mortgagor or grantor shall mail a copy of the
22 request for **[foreclosure] POSTFILE** mediation to the secured party's foreclosure
23 attorney.

24 (2) (i) The secured party may file a motion to strike the request for
25 **[foreclosure] POSTFILE** mediation in accordance with the Maryland Rules.

26 (ii) The motion to strike must be accompanied by an affidavit
27 that sets forth the reasons why **[foreclosure] POSTFILE** mediation is not appropriate.

28 (iii) The secured party shall mail a copy of the motion to strike
29 and the accompanying affidavit to the mortgagor or grantor.

30 (iv) There is a presumption that a mortgagor or grantor is
31 entitled to **[foreclosure] POSTFILE** mediation **WITH RESPECT TO**
32 **OWNER-OCCUPIED RESIDENTIAL PROPERTY** unless **[good]:**

1 **1. GOOD** cause is shown why [foreclosure] **POSTFILE**
2 mediation is not appropriate; **OR**

3 **2. THE MORTGAGOR OR GRANTOR PARTICIPATED IN**
4 **PREFILE MEDIATION AND THE PREFILE MEDIATION AGREEMENT DOES NOT**
5 **GIVE THE MORTGAGOR OR GRANTOR THE RIGHT TO PARTICIPATE IN POSTFILE**
6 **MEDIATION.**

7 (3) (i) The mortgagor or grantor may file a response to the motion
8 to strike within 15 days.

9 (ii) The mortgagor or grantor shall mail a copy of the response
10 to the foreclosure attorney.

11 (iii) If the court grants the motion to strike, the court shall
12 instruct the Office of Administrative Hearings to cancel any scheduled **POSTFILE**
13 mediation.

14 **[(i)] (K)** (1) Within 5 days after receipt of a request for [foreclosure]
15 **POSTFILE** mediation, the court shall transmit the request to the Office of
16 Administrative Hearings for scheduling.

17 (2) (i) Within 60 days after transmittal of the request for
18 foreclosure mediation, the Office of Administrative Hearings shall conduct a
19 foreclosure mediation.

20 (ii) For good cause, the Office of Administrative Hearings may
21 extend the time for completing the foreclosure mediation for a period not exceeding 30
22 days or, if all parties agree, for a longer period of time.

23 (3) The Office of Administrative Hearings shall send notice of the
24 scheduled foreclosure mediation to the foreclosure attorney, the secured party, and the
25 mortgagor or grantor.

26 (4) The notice from the Office of Administrative Hearings shall:

27 (i) Include instructions regarding the documents and
28 information, as required by regulations adopted by the Commissioner of Financial
29 Regulation, that must be provided by each party to the other party and to the
30 mediator; and

31 (ii) Require the information and documents to be provided no
32 later than 20 days before the scheduled date of the foreclosure mediation.

33 **[(j)] (L)** (1) **(I) BY REGULATION, THE COMMISSIONER OF**
34 **FINANCIAL REGULATION SHALL ESTABLISH A MEDIATION CHECKLIST THAT**

1 DESCRIBES THE MATTERS THAT SHALL BE REVIEWED AND CONSIDERED IN A
2 POSTFILE MEDIATION.

3 (II) AT THE COMMENCEMENT OF A POSTFILE MEDIATION
4 SESSION, EACH PARTY SHALL REVIEW THE MEDIATION CHECKLIST.

5 (III) THE MEDIATOR SHALL MARK EACH ITEM ON THE
6 MEDIATION CHECKLIST AS THE ITEM IS ADDRESSED AT THE POSTFILE
7 MEDIATION SESSION.

8 (IV) AT THE CONCLUSION OF A POSTFILE MEDIATION
9 SESSION, EACH PARTY SHALL SIGN THE MEDIATION CHECKLIST.

10 (2) At a foreclosure mediation:

11 (i) The mortgagor or grantor shall be present;

12 (ii) The mortgagor or grantor may be accompanied by a housing
13 counselor and may have legal representation;

14 (iii) The secured party, or a representative of the secured party,
15 shall be present; and

16 (iv) Any representative of the secured party must have the
17 authority to settle the matter or be able to readily contact a person with authority to
18 settle the matter.

19 [(2)] (3) At the foreclosure mediation, the parties and the mediator
20 shall address loss mitigation programs that may be applicable to the loan secured by
21 the mortgage or deed of trust that is the subject of the foreclosure action.

22 [(3)] (4) The Office of Administrative Hearings shall file a report
23 with the court that states the outcome of the request for foreclosure mediation within
24 the earlier of:

25 (i) 7 days after a foreclosure mediation is held; or

26 (ii) The end of the 60-day mediation period specified in
27 subsection [(i)(2)] (K)(2) of this section, plus any extension granted by the Office of
28 Administrative Hearings.

29 [(4)] (5) Except for a request for postponement or a failure to appear,
30 the rules of procedure for contested cases of the Office of Administrative Hearings do
31 not govern a foreclosure mediation conducted by the Office.

1 **[(k)] (M)** (1) If the parties do not reach an agreement at the **[foreclosure]**
2 **POSTFILE** mediation, or the 60–day mediation period expires without an extension
3 granted by the Office of Administrative Hearings, the foreclosure attorney may
4 schedule the foreclosure sale.

5 (2) (i) **[Subject] IN THE CASE OF POSTFILE MEDIATION,**
6 **SUBJECT** to subparagraphs (ii), (iii), and (iv) of this paragraph, the mortgagor or
7 grantor may file a motion to stay the foreclosure sale.

8 (ii) A motion to stay under this paragraph shall be filed within
9 15 days after:

10 1. The date the **[foreclosure] POSTFILE** mediation is
11 held; or

12 2. If no **[foreclosure] POSTFILE** mediation is held, the
13 date the Office of Administrative Hearings files its report with the court.

14 (iii) A motion to stay under this paragraph must allege specific
15 reasons why loss mitigation should have been granted.

16 (3) Nothing in this subtitle precludes the mortgagor or grantor from
17 pursuing any other remedy or legal defense available to the mortgagor or grantor.

18 **[(l)] (N)** A foreclosure sale of residential property may not occur until:

19 (1) If the residential property is not owner–occupied residential
20 property, at least 45 days after service of process is made under subsection **[(f)] (H)** of
21 this section;

22 (2) If the residential property is owner–occupied residential property
23 and foreclosure mediation is not held, the later of:

24 (i) At least 45 days after service of process that includes a final
25 loss mitigation affidavit made under subsection **[(f)] (H)** of this section; or

26 (ii) At least 30 days after a final loss mitigation affidavit is
27 mailed under subsection **[(g)] (I)** of this section; and

28 (3) If the residential property is owner–occupied residential property
29 and **[foreclosure] POSTFILE** mediation is requested, at least 15 days after:

30 (i) The date the **[foreclosure] POSTFILE** mediation is held; or

31 (ii) If no **[foreclosure] POSTFILE** mediation is held, the date the
32 Office of Administrative Hearings files its report with the court.

1 ~~[(m)]~~ **(O)** Notice of the time, place, and terms of a foreclosure sale shall be
 2 published in a newspaper of general circulation in the county where the action is
 3 pending at least once a week for 3 successive weeks, the first publication to be not less
 4 than 15 days before the sale and the last publication to be not more than 1 week before
 5 the sale.

6 ~~[(n)]~~ **(P)** (1) The mortgagor or grantor of residential property has the
 7 right to cure the default by paying all past due payments, penalties, and fees and
 8 reinstate the loan at any time up to 1 business day before the foreclosure sale occurs.

9 (2) The secured party or an authorized agent of the secured party
 10 shall, on request, provide to the mortgagor or grantor or the mortgagor's or grantor's
 11 attorney within a reasonable time the amount necessary to cure the default and
 12 reinstate the loan and instructions for delivering the payment.

13 ~~[(o)]~~ **(Q)** An action for failure to comply with the provisions of this section
 14 shall be brought within 3 years after the date of the order ratifying the sale.

15 ~~[(p)]~~ **(R)** Revenue collected from the filing fees required under subsections
 16 ~~[(d)(2)(vii)]~~ **(E)(2)(IX)** and ~~[(h)(1)(ii)]~~ **(J)(1)(III)** of this section shall be distributed to
 17 the Housing Counseling and Foreclosure Mediation Fund established under § 4-507 of
 18 the Housing and Community Development Article.

19 **(S) THE COMMISSIONER OF FINANCIAL REGULATION MAY ADOPT**
 20 **ADDITIONAL REGULATIONS NECESSARY TO CARRY OUT THE REQUIREMENTS OF**
 21 **THIS SECTION.**

22 **7-105.11.**

23 ~~**(A) IN THIS SECTION, "VACANT PROPERTY" MEANS A PROPERTY THAT**~~
 24 ~~**IS:**~~

25 ~~**(1) UNOCCUPIED; AND**~~

26 ~~**(2) UNFIT FOR HUMAN HABITATION, AS DETERMINED BY THE**~~
 27 ~~**UNIT OF A COUNTY OR MUNICIPAL CORPORATION THAT MANAGES RESIDENTIAL**~~
 28 ~~**PROPERTY MAINTENANCE AND ENFORCES THE HOUSING CODE FOR THAT**~~
 29 ~~**JURISDICTION.**~~

30 ~~**(B) A SECURED PARTY MAY APPLY TO A COUNTY OR MUNICIPAL**~~
 31 ~~**CORPORATION FOR A CERTIFICATE OF VACANCY OR CERTIFICATE OF**~~
 32 ~~**SUBSTANTIAL REPAIR FOR A RESIDENTIAL PROPERTY IF:**~~

1 ~~(1) THE RESIDENTIAL PROPERTY IS LOCATED IN THE COUNTY OR~~
2 ~~MUNICIPAL CORPORATION;~~

3 ~~(2) THE COUNTY OR MUNICIPAL CORPORATION HAS~~
4 ~~ESTABLISHED PROCEDURES GOVERNING THE ISSUANCE OF A CERTIFICATE OF~~
5 ~~VACANCY OR CERTIFICATE OF SUBSTANTIAL REPAIR UNDER THIS SECTION; AND~~

6 ~~(3) A DEFAULT HAS OCCURRED WITH RESPECT TO THE~~
7 ~~MORTGAGE OR DEED OF TRUST ON THE RESIDENTIAL PROPERTY.~~

8 ~~(C) THE COUNTY OR MUNICIPAL CORPORATION SHALL ISSUE TO A~~
9 ~~SECURED PARTY A CERTIFICATE OF VACANCY OR A CERTIFICATE OF~~
10 ~~SUBSTANTIAL REPAIR FOR A RESIDENTIAL PROPERTY IF THE COUNTY OR~~
11 ~~MUNICIPAL CORPORATION DETERMINES, IN ACCORDANCE WITH ANY~~
12 ~~PROVISIONS OF THE LOCAL HOUSING CODE, THAT THE PROPERTY IS A VACANT~~
13 ~~PROPERTY.~~

14 ~~(D) A CERTIFICATE OF VACANCY OR A CERTIFICATE OF SUBSTANTIAL~~
15 ~~REPAIR IS VALID AT THE TIME OF FILING AN ORDER TO DOCKET OR COMPLAINT~~
16 ~~TO FORECLOSE IF THE CERTIFICATE WAS ISSUED WITHIN 60 DAYS PRIOR TO~~
17 ~~THE TIME OF FILING.~~

18 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
19 MEANINGS INDICATED.

20 (2) “CERTIFICATE OF PROPERTY UNFIT FOR HUMAN
21 HABITATION” MEANS:

22 (I) IN BALTIMORE CITY, A CERTIFICATE OF SUBSTANTIAL
23 REPAIR; OR

24 (II) A CERTIFICATE FOR RESIDENTIAL PROPERTY ISSUED
25 BY A UNIT OF A COUNTY OR MUNICIPAL CORPORATION INDICATING THAT THE
26 COUNTY OR MUNICIPAL CORPORATION HAS DETERMINED THAT THE
27 RESIDENTIAL PROPERTY IS UNFIT FOR HUMAN HABITATION.

28 (3) “CERTIFICATE OF VACANCY” MEANS A CERTIFICATE FOR A
29 RESIDENTIAL PROPERTY ISSUED BY A UNIT OF A COUNTY OR MUNICIPAL
30 CORPORATION INDICATING THAT THE RESIDENTIAL PROPERTY IS VACANT.

31 (B) THIS SECTION APPLIES ONLY TO A COUNTY OR MUNICIPAL
32 CORPORATION THAT ISSUES A CERTIFICATE OF VACANCY OR A CERTIFICATE OF
33 PROPERTY UNFIT FOR HUMAN HABITATION.

1 (C) ~~A~~ IF A MORTGAGE OR DEED OF TRUST ON RESIDENTIAL PROPERTY
 2 IS IN DEFAULT, A PERSON WITH A SECURED INTEREST IN THE RESIDENTIAL
 3 PROPERTY THAT IS IN DEFAULT ON A MORTGAGE OR DEED OF TRUST MAY
 4 REQUEST THAT A COUNTY OR MUNICIPAL CORPORATION ISSUE A CERTIFICATE
 5 OF VACANCY OR A CERTIFICATE OF PROPERTY UNFIT FOR HUMAN HABITATION.

6 ~~(C)~~ (D) (1) THE COUNTY OR MUNICIPAL CORPORATION SHALL
 7 ISSUE TO A SECURED PARTY A CERTIFICATE OF VACANCY FOR A RESIDENTIAL
 8 PROPERTY IF THE COUNTY OR MUNICIPAL CORPORATION DETERMINES THAT
 9 THE RESIDENTIAL PROPERTY IS VACANT.

10 (2) THE COUNTY OR MUNICIPAL CORPORATION SHALL ISSUE TO A
 11 SECURED PARTY A CERTIFICATE OF PROPERTY UNFIT FOR HUMAN HABITATION
 12 FOR A RESIDENTIAL PROPERTY IF THE COUNTY OR MUNICIPAL CORPORATION
 13 DETERMINES IN ACCORDANCE WITH REQUIREMENTS OF LOCAL, COUNTY, OR
 14 STATE HOUSING CODES, THAT THE RESIDENTIAL PROPERTY IS UNFIT FOR
 15 HUMAN HABITATION.

16 (3) A CERTIFICATE OF VACANCY OR CERTIFICATE OF PROPERTY
 17 UNFIT FOR HUMAN HABITATION ISSUED UNDER THIS SUBSECTION IS VALID FOR
 18 60 DAYS AFTER THE DATE THE CERTIFICATE IS ISSUED.

19 (4) A COUNTY OR MUNICIPAL CORPORATION MAY CHARGE A FEE
 20 NOT EXCEEDING \$100 TO A SECURED PARTY TO ISSUE A CERTIFICATE OF
 21 VACANCY OR A CERTIFICATE OF PROPERTY UNFIT FOR HUMAN HABITATION.

22 ~~(E)~~ ~~(D)~~ (E) EXCEPT AS PROVIDED IN SUBSECTION ~~(F)~~ ~~(E)~~ (F) OF THIS
 23 SECTION, IF A CERTIFICATE OF VACANCY OR CERTIFICATE OF SUBSTANTIAL
 24 REPAIR PROPERTY UNFIT FOR HUMAN HABITATION IS VALID AT THE TIME OF
 25 FILING AN ORDER TO DOCKET OR COMPLAINT TO FORECLOSE, § 7-105.1 OF
 26 THIS SUBTITLE DOES NOT APPLY TO AN ACTION TO FORECLOSE A MORTGAGE OR
 27 DEED OF TRUST ON THE PROPERTY FOR WHICH THE CERTIFICATE WAS ISSUED.

28 ~~(F)~~ ~~(E)~~ (F) (1) THE RECORD OWNER OR OCCUPANT OF A PROPERTY
 29 MAY CHALLENGE THE CERTIFICATE OF VACANCY AND A DETERMINATION THAT
 30 THE PROPERTY IS A VACANT OR CERTIFICATE OF PROPERTY UNFIT FOR HUMAN
 31 HABITATION PROPERTY MADE UNDER SUBSECTION (C) OF THIS SECTION BY
 32 FILEING A FORM WITH THE COURT AS PROVIDED IN THIS SUBSECTION. UNDER
 33 THIS SECTION BY NOTIFYING THE CIRCUIT COURT OF THE CHALLENGE.

34 ~~(2) THE COMMISSIONER OF FINANCIAL REGULATION SHALL~~
 35 ~~PRESCRIBE BY REGULATION THE FORM AND MANNER IN WHICH A RECORD~~
 36 ~~OWNER OR OCCUPANT MAY CHALLENGE A DETERMINATION THAT A PROPERTY~~
 37 ~~IS A VACANT PROPERTY.~~

1 ~~(3) THE SECURED PARTY SHALL PROVIDE TO THE RECORD~~
 2 ~~OWNER AND OCCUPANT A COPY OF THE FORM REQUIRED BY REGULATION AT~~
 3 ~~THE TIME OF FILING THE ORDER TO DOCKET OR COMPLAINT TO FORECLOSE.~~

4 (2) A SECURED PARTY FILING AN ORDER TO DOCKET OR
 5 COMPLAINT TO FORECLOSE BASED ON A CERTIFICATE OF VACANCY OR A
 6 CERTIFICATE OF PROPERTY UNFIT FOR HUMAN HABITATION UNDER THIS
 7 SECTION SHALL INCLUDE WITH THE DOCUMENTS SERVED UNDER §
 8 7-105.1(H)(1) OF THIS SUBTITLE SERVE THE FORECLOSURE DOCUMENTS IN
 9 ACCORDANCE WITH § 7-105.1(H)(1) OF THIS SUBTITLE ALONG WITH A
 10 DESCRIPTION OF THE PROCEDURE TO CHALLENGE THE CERTIFICATE AND THE
 11 FORM TO BE USED TO MAKE THE CHALLENGE.

12 (3) IF A CHALLENGE UNDER PARAGRAPH (1) OF THIS
 13 SUBSECTION IS UPHELD, THE SECURED PARTY SHALL COMPLY WITH THE
 14 REQUIREMENTS OF § 7-105.1 OF THIS SUBTITLE.

15 ~~(C) (F) (G)~~ (G) A COUNTY OR MUNICIPAL CORPORATION MAY ESTABLISH
 16 PROCEDURES GOVERNING THE ISSUANCE OF A CERTIFICATE OF VACANCY OR
 17 CERTIFICATE OF SUBSTANTIAL REPAIR PROPERTY UNFIT FOR HUMAN
 18 HABITATION UNDER THIS SECTION.

19 Article – Tax – General

20 10-208.

21 (a) In addition to the modification under § 10-207 of this subtitle, the
 22 amounts under this section are subtracted from the federal adjusted gross income of a
 23 resident to determine Maryland adjusted gross income.

24 (R) THE SUBTRACTION UNDER SUBSECTION (A) OF THIS SECTION
 25 INCLUDES ANY PAYMENT TO AN INDIVIDUAL MADE AS A RESULT OF A
 26 FORECLOSURE SETTLEMENT NEGOTIATED BY THE ATTORNEY GENERAL.

27 SECTION 2. AND BE IT FURTHER ENACTED, That an order to docket or
 28 complaint to foreclose served on a mortgagor or grantor before the effective date of
 29 regulations adopted by the Commissioner of Financial Regulation under Section 1 of
 30 this Act is in compliance with Maryland law if the order or complaint complies with §
 31 7-105.1 of the Real Property Article as it existed immediately before the effective date
 32 of this Act.

33 SECTION 3. AND BE IT FURTHER ENACTED, That the Commissioner of
 34 Financial Regulation shall develop the description of the procedure to challenge a
 35 certificate of vacancy or certificate of property unfit for human habitation and the form

1 to be used to make the challenge that are required to be served under ~~§ 7-105.11(e)(2)~~
2 § 7-105.11(f)(2), as enacted by this Act.

3 SECTION 4. AND BE IT FURTHER ENACTED, That § 10-208(r) of the Tax –
4 General Article, as enacted by Section 1 of this Act, shall take effect July 1, 2012, and
5 shall be applicable to all taxable years beginning after December 31, 2011.

6 SECTION ~~3~~ 4 ~~5~~. AND BE IT FURTHER ENACTED, That, except as provided
7 in Section 4 of this Act, this Act shall take effect October 1, 2012.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.